

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**HALLMARK CARDS,  
INCORPORATED**

**Plaintiff,**

**vs.**

**JANET L. MURLEY,**

**Defendant.**

**Case No. 09-00377-CV-W-GAF**

**ORDER**

On April 6, 2011, a jury returned a verdict in favor of Plaintiff Hallmark Cards, Incorporated (“Plaintiff”) for \$860,000. (Doc. # 124). This Court entered a judgment for that amount in Plaintiff’s favor. (Doc. # 120). Defendant Janet L. Murley (“Defendant”) appealed. (Doc. # 137). The Eighth Circuit Court of Appeals affirmed the judgment but only after modified by this Court on remand. *Hallmark Cards, Inc. v. Murley*, NO. 11-2855, — F.3d —, at \*5-6 (8th Cir. 2013). The Eighth Circuit provided that the jury’s \$735,000 award to Plaintiff was proper and not “grossly excessive” or “glaringly unwarranted by the evidence.” *Id.* at \*5 (citation omitted). However, the Eighth Circuit found the jury’s award of \$125,000 improper because it placed Plaintiff in a better position than it would find itself had Defendant not breached the agreement. *Id.* The Eighth Circuit vacated the award and remanded the action “to reduce the fee award appropriately.” Pursuant to the Eighth Circuit’s instructions, this Court’s judgment is modified.

Also before the Court is Plaintiff’s Motion for Leave to register the judgment in other districts, pursuant to 28 U.S.C. § 1963. (Doc. # 133). Defendant opposes because she intended

to appeal the judgment. (Doc. # 136). This Court stayed execution of the judgment pending Defendant's appeal. (Docs. ## 139, 140).

“A judgment in an action for the recovery of money or property entered in any . . . district court . . . may be registered by filing a certified copy of the judgment in any other district . . . when the judgment has become final by appeal . . . .” 28 U.S.C. § 1963. The judgment in the above-captioned matter has become final by appeal and the Court's stay of the execution of the judgment is no longer appropriate. Accordingly, it is

**ORDERED** Plaintiff's award is MODIFIED to \$735,000.

**IT IS FURTHER ORDERED** Plaintiff's Motion for Leave to register the Court's amended \$735,000 judgment in other districts is GRANTED.

s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
UNITED STATES DISTRICT COURT

DATED: January 30, 2013